

Claims 16-21 had been rejected as being obvious from Zackheim (U.S. 3,162,306)

in view of Moser et al. (U.S. 3,941,248). Zackheim discloses a very fundamentally different type of package for holding sterile pads from the present invention. Zackheim comprises three sheets rather than two layers as in the present invention. More specifically, Zackheim comprises a backing sheet, a product sheet, and a cover sheet; the product sheet being "sandwiched between the coextensive portions of the backing sheet and the cover sheet to form a laminate." See Col. 7, lines 3-5. Such construction prevents the backing sheet and the cover sheet from being in contact with each other.

The present invention does not include a product sheet as is present in Zackheim. This is a fundamental difference from the present invention since the backing layer and cover layer are in contact with each other in the present invention. Specifically, claim 16 of the present invention provides "...the flexible base layer and the flexible cover layer are *integrally joined* in the areas between the chambers...". Further, claim 18 provides "...two flexible layers which are *integrally bonded with each other* in the areas between the chambers...". Because of the wording of these claims, there can not be a third product layer, as is described in Zackheim, interposed between the backing layer and cover layer of the present invention. In the present invention, it would not be possible to integrally bond the backing layer and cover layer to each other if there is a third product layer, or any other type of layer, sandwiched between them, as is described in Zackheim.

Moser et al. describes a package employed for a different purpose than the present invention. Namely, Moser et al. describes a package employed for packaging tablets, pills, and the like in a childproof manner. Applicant respectfully submits that one skilled in the art would not take the package described in Moser et al. into consideration when forming the present invention. The package described in Moser et al. is formed in a

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childproof manner so as to prevent the accidental or unwanted opening of the package by children. This is because the contents of the package described in Moser et al. have potentially deleterious, if not fatal, effects on children. Therefore, it is extremely difficult to gain access to the contents of the package described in Moser et al.

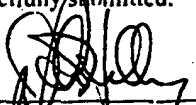
However, the package of the present invention is intended to be used in conjunction with sterile products, such as swabs or other sheet material, which do not have the potential for such deleterious effects. Therefore, there is no need for the present invention to have such a difficult to open nature to it. The package of the present invention, on the other hand, is easily opened so the contents can be readily accessed.

The invention as defined in the present claims is clearly distinguishable from each of the prior art, whether these patents are considered individually or in combination. It is therefore submitted that the continued application defined in the claims is patentably distinguishable over the art. Applicant respectfully requests that the Examiner reconsider the claims in their present form, together with the foregoing comments and the comments from the Response filed January 26, 2001, and allow the application.

The Examiner is invited to telephone the undersigned if there are any issues, which could be discussed to expedite the prosecution.

Respectfully submitted,

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Enc. "Marked Up" Claims

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Inventor : A. Fellinger  
Serial No. : 09/308,408  
Filing Date : June 28, 1999  
Examiner : S. Luong  
Group Art Unit : 3728  
Title : Storage Device for Medical Swabs

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**"MARKED UP CLAIMS"**

In response to the Advisory Action dated February 1, 2001, please amend the above-identified application prior to its application, without prejudice, as follows:

16. (Thrice Amended) Storage device for medical swabs consisting essentially of an envelope for medical swabs which is formed by a flexible base layer [sheet] and a flexible cover layer [sheet] between which are provided adjacently disposed chambers whose size is determined by the number and size of swabs to be stored, wherein the flexible base layer [sheet] and the flexible cover layer [sheet] are integrally joined in areas between the chambers, the chambers being broken in response to the application of pressure on the flexible cover to tear the flexible cover layer [sheet] inward.

17. (Amended) Storage device of claim 16 wherein the chambers are formed by

receiving depressions in the flexible base layer [soil], said receiving depressions being convex with respect to the flexible cover layer [soil] and sealed by the flexible cover layer [foil].

18. (Twice Amended) Storage device for medical swabs consisting of an envelope, said envelope having a flexible base film and a flexible covering film wherein said envelope has adjacent chambers wherein said chambers comprise two flexible layers [sheets] which are integrally bonded with each other in the areas between the chambers, the chambers opening in response to the exertion of pressure on the covering film.